BORA LASKIN LAW LIBRARY
3 1761 06100164 0

UNIVERSITY OF TORONTO
FACULTY OF LAW

CONSTITUTIONAL LAW "A"

PROFESSOR L. WEINRIB

FACULTY OF LAW, UNIVERSITY OF TORONTO

2009-10

VOLUME III

Storage
KE
4218.5
.W45
2009
v.3
c.1

BORA LASKIN LAW LIBRARY

SEP - 8 2009

FACULTY OF LAW
UNIVERSITY OF TORONTO

CONSTITUTIONAL LAW "A"

PROFESSOR L. WEINRIB

FACULTY OF LAW, UNIVERSITY OF TORONTO

2009-10

VOLUME III

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/constitutionalla03wein

CANADIAN CONSTITUTIONAL LAW
L WEINRIB VOL III (2009-10)

CHAPTER 12: RIGHT TO LIFE, LIBERTY, AND SECURITY OF THE PERSON

Philip W. Augustine, "Protection of the Right to Property ... " 1
Singh v. Canada (Minister Of Employment And Immigration), [1985] 1 S.C.R. 177.....4
Re B.C. Motor Vehicle Act (Motor Vehicle Act Reference), [1985] 2 S.C.R. 486; 1985 S.C.R. LEXIS 63.....7
Ref re ss. 193 and 195.1(1)(c) of the Criminal Code (Prostitution Reference), [1990] 1 S.C.R. 1123.....13
B. (R.) v. Childrens's Aid Society, [1995] 1 S.C.R. 315 (sub nom. *Sheena B., Re*).....16
R. v. Morgentaler, [1988] 1 S.C.R. 30.....22
Rodriguez v. B.C.A.G., [1993] 3 S.C.R. 519.....36
Note: *Godbout v. Longueuil* , [1997] 3 S.C.R. 844.....44
New Brunswick B v. G(J.), [1999] 3 S.C.R. 46.....46
Chaoulli V. Quebec (Attorney General), [2005] 1 S.C.R. 791.....53

CHAPTER 13: EQUALITY

A. Introduction

J Snell and F Vaughan, "The Supreme Court of Canada".....66
B.L. Strayer, "In the Beginning...: The Origins of s15 of the Charter".....73
Law Society of British Columbia v. Andrews [1989] 1 S.C.R. 143.....80

B. Gender

Note: *Symes v. Canada,* [1993] 4 SCR 695.....82
Law v. Canada (Minister of Employment and Immigration)[1999] 1 S.C.R. 497.....83
Newfoundland (Treasury Board) *v.* N.A.P.E. [2004] 3 S.C.R. 381.....99

C. Sexual Orientation

Egan v. Canada [1995] 2 S.C.R. 513.....126
Vriend v. Alberta [1998] 1 S.C.R. 493.....139
M. v. H. [1999] 2 S.C.R. 3.....156
Note: *Halpern v. Attorney General of Canada* [2003] O.J. No. 2268.....171
Reference re Same-Sex Marriage, [2004] 3 S.C.R. 698.....172

D. Disability

Eldridge v. British Columbia [1997] 3 S.C.R. 624.....187
Auton v. British Columbia [2004] 3 S.C.R. 657.....194

E. Race, Ethnicity and Nationality

Julie Jai and Joseph Cheng, "The Invisibility of Race in Section 15".....201
Lavoie v. Canada [2002] 1 S.C.R. 769.....219

F. Analogous Grounds

Note: *Nova Scotia (Attorney General) v. Walsh* 2002 SCC 83.....236
Corbiere v. Canada [1999] 2 S.C.R. 203.....238

G. Affirmative Action and Positive Discrimination

Note: *Lovelace v. Ontario* [2001] 1 S.C.R. 950.....245
R v. Kapp 2008 SCC 41.....247

CHAPTER 14: FREEDOM OF ASSOCIATION

Steven Barret, "*Dunmore v. Ontario*: Freedom of Association at the Crossroads"....250
Ken Norman, "Freedom of Association"....268
Dunmore v. Ontario (Attorney General) [2001] 3 S.C.R. 1016....287
Health Services and Support. v. British Columbia [2007] 2 S.C.R. 391....298

CHAPTER 15: ABORIGINAL PEOPLES AND THE CONSTITUTION (POST 1982)

Constitution Act 1982, ss25 & 35....307

A. The Constitutional Entrenchment of Aboriginal Rights

R v. Sparrow [1990] 1 S.C.R 1075....308
R v. Van der Peet [1996] 2 S.C.R 507....319
R v. Gladstone [1996] 2 S.C.R 723....329

B. Aboriginal Title

Delgamuukw v. British Columbia [1997] 3 S.C.R 1010....333

C. Treaty Rights

R v. Marshall [1999] 3 S.C.R 456 348

D. The Duty to Consult

R v. Powley [2003] 2 S.C.R. 207....357

E. Aboriginal Rights of Self-Government

R v. Pamajewon [1996] 2 S.C.R 821.... 364

F. Aboriginal Women's Rights

Dr. Peggy J. Blair, "Rights of Aboriginal Women On-And Off-Reserve"....367
Submission of the Native Women's Association of Canada....376
Sébastien Grammond, "Discrimination in the Rules of Indian Status and the *McIvor* case"....380